



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 17

In re application of

Yoshihiko Higuchi et al.

Serial No. 09/473,165

Filed: December 28, 1999

For: DRY MEASURING TEST DEVICE

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed May 10, 2002 for failure to respond to the office action dated September 11, 2001. Applicants assert that a timely Notice of Appeal and extension of time were filed on March 11, 2002.

DECISION

Since the petitioner asserts that a Notice of Appeal and a petition for Extension of Time were filed on March 11, 2002, the request is accepted as petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence is sufficient to establish that applicants did indeed file the papers in a timely manner. As evidence, are photocopies of the checks and the return post card from the PTO stating that the PTO received the above information on March 11, 2002.

Therefore, the Notice of Abandonment dated April 10, 2002 is hereby withdrawn. Hence, the case is returned to pending status. The application shall be returned to the LIE for 1) entering of the Notice of Appeal, and 2) the two month extension of time. The case will then be return to Central Files, awaiting receipt of applicants' Appeal Brief.

The Petition is **GRANTED**.

A handwritten signature in cursive script that reads "Richard V. Fisher".

Richard V. Fisher, Director
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